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DEPT OF WATER RESOURCES  
SOUTHERN REGION

**WATER DISTRICT 37B**  
**MINUTES OF THE ANNUAL WATER DISTRICT MEETING**

FEBRUARY 12, 2015 1:00 p.m.

**ITEM #1 on Agenda – CALL MEETING TO ORDER AND INTRODUCTION**

Lou Andersen, Advisory Committee Chairman, called the annual meeting to order at 1:12 p.m. Lou introduced the Advisory Committee Members present, William Simon, Dennis Strom, Scott Scheer, and Tyler Ballard. Lou also introduced guests attending the meeting, Cindy Yenter from IDWR, Steve Thompson, NRCS District Conservationist, and Ryan Johnson, NRCS Area Engineer. (Copies of Meeting Agenda, 2014 Annual Meeting Minutes, 2015 Proposed Resolutions, and 2015 Proposed Budget on the table at the entrance).

**ITEM #2 on Agenda – SELECTION OF 2015 MEETING CHAIRMAN**

Ed Smith nominated Lou Andersen as chairman of the annual meeting. Dallas Smith seconded the motion. No discussion. Motion passed unopposed.

**ITEM #3 on Agenda – SELECTION OF 2015 MEETING SECRETARY**

Bill Simon nominated Teresa Andersen as secretary of the annual meeting. Jim Kramer seconded the motion. No discussion. Motion passed unopposed.

**ITEM #4 on Agenda – APPROVAL OF MINUTES FROM 2014 ANNUAL MEETING**

Dennis Strom made a motion to approve meeting minutes from the 2014 annual meeting. Jim Kramer seconded the motion. No discussion. Motion passed unopposed.

**ITEM#5 on Agenda – WATER MASTER REPORT OF 2014 YEAR**

Rusty Kramer expressed gratitude for the great cooperation and compliance by the district. Rusty pointed out the map that Cindy Yenter had made for the District. Rusty wanted to stress that the boundaries of Water District 37B do not end at the county lines; the district also extends into portions of Gooding, Blaine, and Elmore counties. Also, the map shows really well exactly where the water comes from by showing all the small tributaries so you can clearly see the access of the water and if it is deliverable. There are 336 water rights in our District, 111 different water users. Ground water users; there are 54 active wells that are all 100% in compliance for measurements, 27 have new meters, 15 are temporarily approved for PCCs (power consumption coefficient), and 11 have old meters that were grandfathered in. One new meter is set to be installed in the spring that was a PCC that wasn't approved. Last year, all old meters and PCCs were calibrated, will still be reviewing the PCCs this next year to see if they can remain as PCCs or if they will need meters. Surface water users; there are 80+ diversions to put measuring devices on. IDWR is extremely busy at this time, they

have approved our timeline for the surface water measuring deadlines, but it may be midsummer before the letters are sent out. Steve Thompson and Ryan Johnson from NRCS will talk at the end of the meeting about how the NRCS may be able to help. The approved timeline is as follows:

Soldier Creek drainage and Twin Lakes Reservoir, 37 different users, will need IDWR approved measuring and controllable devices in place by the irrigation season on 2016. East of Soldier Creek measuring devices must be in place by the irrigation season of 2017.

West of Soldier Creek measuring devices must be in place by the irrigation season of 2018.

Rod Gonzales questioned where the measuring device for Twin Lakes Reservoir would be placed. Rusty said it would be one device between the dam and where it splits.

Out of the 80 diversions, we currently have 3 surface diversions completed in the district. Rusty clarified the terms controllable and measuring devices, IDWR requires a controllable device and a measuring device. A controllable device is either a slide type head gate or screw type head gate that is lockable and the measuring device is either a meter, a weir, or a flume that is an IDWR approved device. The ground water was much simpler because you could get a list of approved meters from IDWR and have one installed, the surface water is more complicated because we have to first determine where the diversion needs to be and the sites really need to be engineered to make sure the devices can operate properly and the water can be measured properly. Questions brought up as to whether any particular contractors have been contacted to work with, Rusty stated that he does have a list of names of contractors and has talked to a number of them but that it is up to the irrigators to go forward with having the devices installed. Lou also stated that Rusty has gathered up quite a bit of information and has it available at his office and that they will do whatever they can to help facilitate getting started. This is partly why the board and Rusty asked IDWR to be able to split the surface water measuring requirements into segments.

Rusty pointed out that the Water District has only 4 unpaid bills from 2014; one is a small water right with a minimum charge of \$25 that we are unable to contact the owner, the other 3 are foreclosures. Rusty stated the outstanding balance is \$724.07 as of Feb. 12, 2015, so again Rusty expressed appreciation to everyone for cooperation in paying assessments. If those properties change hands, we can collect the outstanding balance. A reminder that the water bills for 2015 need to be paid before the irrigation season starts. Rusty commented on address changes, he stated that IDWR had 30+

letters returned for this meeting notification so the addresses they have are not up to date, he has address change forms available.

Rusty pointed out the actual irrigation season on most of the prairie is April 15 – October 31. There are a few rights that are April 1st, but all the surface water is April 15. Before April 15, the water belongs to Magic Reservoir. The end of the season is October 31, at which time no water can be diverted from the creek. Stock can drink from free flowing streams, but you have to have a stock water right in order to divert water for stock. All irrigators must let Rusty know when water is turned on and when it is turned off, and water can only be turned on if the water assessment is paid. Question was raised if there is a non compliance issue with the diversions, who will enforce the issue. Cindy talked about the department and the Water Master working together to enforce any non compliance issues.

Rusty explained about the POD (Point of Diversion) or where the water is diverted and the POU (Point of Use) where the water is being used. Everyone has a POD and a POU with their water right and they need to be irrigating from their point of diversion, and using the water at their POU. If the POU has changed where it is actually used (i.e., an added pivot with dry pivot corners), then it needs to be changed with IDWR and if there is extra, it can be put in the water bank to preserve it. Rusty also explained, if you are not using your water for 5 years, it could be subject to forfeiture. You need to use your water or put it in the water bank to protect it; drought conditions do not qualify as nonuse. If you do not plan on using your water or if you are only using part of your acres, you can put it in the water bank for 1 – 5 years. The water in this area was re-decreed in 2010 which reset the clock for the water on the prairie. Cindy explained the 5 year forfeiture schedule; the water was re-decreed in the fall of 2010 so if you have water in nonuse by the water season of 2016 and it is not put in the water bank then you come into jeopardy of forfeiture. The water bank does not restart the clock, it only pauses the time that the water is in the water bank and then starts again at the time you take it out. If you go beyond the 5 years of nonuse and then apply to put it in the water bank, IDWR will not accept it into the water bank.

Gordon Schmidt asked about CRP ground. Rusty said CRP is a federal program so it is protected and it is allowed in the water bank. Cindy indicated that since CRP is a federal program, the water is already protected so there is no need to put it in the water bank. She also indicated that CRP and CREP do not reset the clock, so if the acres were in nonuse for 3 years before they were put in the program, when they come out of the program you only have 2 more years before they reach the 5 year limit.

Discussion on renting water from the water bank. Rusty indicated that you can only rent from the water bank if the water is in your area and if you are able to get it to where you want to irrigate. You rent from the water bank not the water right holder. Renting water rights from the water bank does not change the status of the water; the use remains the same as being in the water bank.

Discussion about notifying Rusty when turning on and off, specifically turning off between cuttings. Rusty agreed that it would be helpful to be notified of turning off between cuttings.

Bills will be sent out by the end of the month. Lou indicated that Rusty cannot do the paperwork for address changes, he has the forms and can help you but you have to make the changes.

#### **ITEM#6 on Agenda – TREASURER REPORT FOR 2014**

Matt McLam gave the treasurers report. Matt says his role is a review or an audit type oversight of the financials. He did a proof of cash, from the bank statements he adds up all the checks and adds up all the deposits to confirm that the books reflect everything that also happened on the bank statements, and in this case everything balanced all the way through. The books accurately reflect what was actually collected and spent.

#### **ITEM#7 on Agenda – DISCUSSION OF PROPOSED 2015 BUDGET**

Lou reviewed the handout on budget to actuals comparison from 2014, shows what was spent and what for and also what was collected. He commented that we were guessing when we set up the budget, that we had a few more hours for the Water Master than we budgeted, the mileage was way less than we budgeted, and we were able to pay off the attorney bill that was accrued in establishing this water district. We budgeted \$7000 for a contingency and actually had about \$8500 left. Lou then reviewed the handout for the proposed 2015 budget. Since some of the costs are not there this year, the attorney bill and the contingency, were taken off. We adjusted the Water Master hours and mileage to what we anticipate for this year. On the assessed budget line, last year we assessed \$48,276, this year we have the amount of \$37,758 for the assessed amount, so roughly \$10,000 less.

A question was brought up on the minimum charge being higher this year, Lou stated the reason being that it cost the District more than \$25 to administer them.

Lou continued reviewing the proposed budget handout. We included the carry over amount in the budget to authorize to spend that amount if we need to. We did include in the budget a \$2400 reserve/contingency in case we need to refund the Twin Lakes

Reservoir. Last year we refunded Twin Lakes Reservoir one half of their assessment because they were going to measure their water and report to Rusty, so all he had to do was write down the measurement. They did not have a measuring device in place and they did not report any usage, so we had to treat them the same as everyone else. So we decided that until they do have a measuring device, we won't refund them. If they get a measuring device in place and are able to report their usage to Rusty then we will go ahead and refund the \$2400. Last year we also refunded the City of Fairfield one half of their assessment for the same reason. As it turned out all the City of Fairfield did was unlock the door for Rusty so he could read the meter, so we felt they did not do enough to warrant the refund either therefore we took it off this year's budget.

Rod Gonzales asked about installing a measuring device on Twin Lakes Reservoir this Spring before turning on. Lou stated if Twin Lakes Reservoir has a measuring device in place for this irrigating season, before the water is turned on and reports the use to Rusty, we will refund one half of their assessment. Twin Lakes Reservoir is required to have a measuring device in place by 2016 or they will not have any water. If they had measured last year, they would have been billed on what they actually used which would have been considerably less, and if they measure this year it will be less. Lou also stated that you don't have to wait till the deadline to put a measuring device in, if you want to be billed on what is actually used, put in a measuring device and then you will be billed on actual use. The pumpers are already at that point because they have measuring devices in place, so this year they will be billed on actual use. Once we get 3 years of data, it will be an average of the last three years. As a side note: when we estimated what the pumpers might use last year, we guessed 1.75 AF/year and the actual was between 1.7 and 1.8 AF/year. Surface water users were assessed on 1AF per acre and we are guessing that they did not use what they were billed on but we don't know what they did use.

Lou stated that if you have your water in the water bank or you have CRP acres, you will only be billed the minimum. If you are not using the water but do not put it in the water bank, you will be billed on the full amount. The assessment per AF went up this year because of the acres that were put in the water bank; we lost total acres with 51 paying minimum charges, which makes the assessment \$1.14 instead of \$1.05. If you don't want to pay an assessment, you can give it back to IDWR or sell the water rights, or put them in the water bank and only pay the minimum. It costs to put water rights in the water bank, you can put it in for 1 to 5 years and then you can put it in again if you choose.

**ITEM#8** on Agenda – ADOPTION OF PROPOSED 2015 RESOLUTIONS & BUDGET  
Discussion on resolution changes. Changes include:

\*Resolution #2-raising minimum charge from \$25 to \$50. Stock water rights are not assessed on.

\*Resolution #6-Advisory Board Members being comprised of 5 shareholders with a representative from each Soldier Creek, Twin Lakes, City of Fairfield, Ground water users, and one at large. The proposed change is to remove the representative from the City of Fairfield (because of low water use) and instead have 2 representatives at large.

\*Removed from Resolutions that the Twin Lakes Reservoir and City of Fairfield be given a rebate.

\*Resolution #8-per the budget assessments will be billed at \$1.14 per AF. To treat everyone equally, anyone not in the water bank, not in CRP, and not measured will be billed on 1 AF/acre of water rights you have.

\* Resolution#9-set annual meeting date for second Thursday of February – budget year second Thursday of 2015 to second Thursday of 2016.

\*Resolution #10-Rusty Kramer shall be elected Water Master for 2015.

\*Resolution #11-Matt McLam shall be elected Treasurer for 2015.

\*Resolution #12-Adopt 2015 proposed budget.

Lou stated that if there are no amendments to the Resolutions as discussed, he would like to be able to just vote once to approve the Resolutions which include all of the changes. A question was asked concerning whether it was common to elect the Water Master each year. Lou confirmed that is it state law to elect the Water Master and the Treasurer each year.

Ed Smith made a motion to adopt the Resolutions as written. Rod Gonzales seconded. No discussion. Motion passed unopposed.

#### **ITEM #9 on Agenda – SELECTION OF 2015 ADVISORY BOARD MEMBERS**

Discussion on electing the Advisory Board Members. Lou stated that we could elect all new members, elect the new at large board member and retain the rest, or retain all the board members changing Tyler's jurisdiction to the at large member. The board members were asked if they were willing to continue being on the board.

Lee Presley made a motion to elect one at large member and retain the rest. Gert Hofman seconded. No discussion. Motion passed unopposed.

Nominations open for at large representative. Ed Smith nominated Dallas Smith. No other nominations. No opposition. Dallas Smith elected as at large representative.

#### **ITEM #10 on Agenda – DISTRICT NEWS AND UPDATES**

Lou introduced Steve Thompson, NRCS District Conservationist and Ryan Johnson, NRCS Area Engineer. Steve said the NRCS has two programs called RCP and EQUIP. The RCP program does not fit. The EQUIP works well with erodible cases and is a cost share program. The EQUIP program is a competitive program based on need factors,

the greater environmental impact the higher your project would rate and the better chance you would have of receiving cost share funding. Funding for 2015 is already gone, so if you wanted to apply for funding for 2016, he recommended you apply soon. Even if you don't apply for cost share funding help, the NRCS is willing to help engineer projects. The NRCS would verify acceptability of their engineering with the IDWR. People wanting engineering help should contact the NRCS office and get on the list. Steve said the area engineer, Ryan Johnson, would be working with Rusty to help engineer site specific structures as requested. Ryan brought photos of structure designs and left with Rusty for reference. These designs do not need to be complex; some are very simple and inexpensive. There was discussion about contractors to build and install these diversions and measuring devices. Rusty indicated the difficult part was getting the structures and devices manufactured and that installation was not difficult.

Terry Ruby made a motion to adjourn. Scott Scheer seconded. Motion passed unopposed. Meeting adjourned at 2:42 p.m.

(Attendance at the meeting included 46 attendees)